



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for June 5, 2002 to consider an appeal from Chris and Pauline Gianulias regarding Notice and Order to Repair issued for the property located at 100 N. Cherokee Lane, Lodi.

MEETING DATE: April 17, 2002

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council set a Public Hearing for June 5, 2002 to consider an appeal from Chris and Pauline Gianulias regarding Notice and Order to Repair issued for the property located at 100 N. Cherokee Lane, Lodi, California.

BACKGROUND INFORMATION: Chris and Pauline Gianulias are the owners of record for the property located at 100 N. Cherokee Lane, a commercial property on which there are two large timber-framed buildings. While following up on a code enforcement issue at this property, Community Improvement personnel noted severe and extensive deterioration and decay to several of the exposed timber rafter tails. Those conditions warranted the building to be deemed dangerous per the Uniform Code for the Abatement of Dangerous Buildings. Pursuant to that code, a Notice and Order to repair was issued, requiring that the property owner take specific action to remove and replace the deteriorated material in an approved manner within specific time frames.

Mr. Gianulias contends that the ordered repairs or corrections in that Notice are not based on any fact that involves the structural integrity of the buildings. Mr. Gianulias' appeal to the City Council as our Board of Appeals was filed in a timely manner and in accordance with the requirements of the Uniform Code for the Abatement of Dangerous Buildings and the Lodi Municipal Code. The Public Hearing was originally intended to be set for the first available meeting, which would have been May 1st, however, Mr. Gianulias requested that the Public Hearing be set for the first meeting in June. Staff has honored that request.

FUNDING: No funding required.

Konradt Bartlam
Community Development Director

Prepared by Community Improvement Manager Joseph Wood

KB/jw

c: City Attorney
Chris and Pauline Gianulias
Tenants: 100 N. Cherokee

APPROVED: _____

H. Dixon Flynn -- City Manager

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR APPEAL
BEFORE THE LODI CITY COUNCIL

SUBJECT ADDRESS OF APPEAL:

100 N CHEROKEE LANE

NAME(S) AND OFFICIAL MAILING ADDRESS(ES) OF APPELLANT(S):

Chris Grahalius
3220 Province Tower
Modesto CA 95355

☐ Additional Names Attached

BRIEF STATEMENT OF INTEREST IN THE SUBJECT ADDRESS:

See Letter

☐ Continued On Additional Page

BRIEF STATEMENT OF THE ORDER OR ACTION PROTESTED, TOGETHER WITH ANY MATERIAL FACTS CLAIMED TO SUPPORT THE CONTENTION OF THE APPELLANT(S):

See Letter

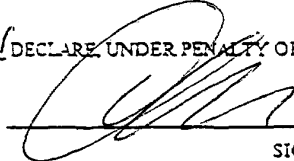
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BRIEF STATEMENT OF THE RELIEF SOUGHT AND THE REASONS WHY IT IS CLAIMED THE PROTESTED ORDER OR ACTION SHOULD BE REVERSED, MODIFIED OR OTHERWISE SET ASIDE:

See Letter

☐ Continued On Additional Page

I, Chris Grahalius DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR APPEAL IS TRUE AND CORRECT.



SIGNATURE

DATE

4-1-02
to

SIGNATURES OF ALL PARTIES NAMED AS APPELLANTS:

ACCEPTED BY: 

DATE: 4/1/02

TIME: 4:00 PM

\$250.00 FEE PAID: ☒

CHECK NO.: 5445
90-844/1211

FEE WAIVED: _____

Chris & Pauline Gianulias
3220 Province Towne Court
Modesto, CA 95355

March 28, 2002

Nancy Baker
City of Lodi
Community Development Department

RE: Appeal of notice and order under U.C.A.D.B. Section 401

We have a sufficiency of facts to make a reasonable inference that this order and notice by the community Development Department is not based on any fact that involves the structural integrity of this buildings but was issued for capricious, arbitrarily, malicious and vindictive causes.

The insurance carrier insuring this property for the last five years has stated the building is in good condition. Farmers & Merchants Bank is carrying a loan on this building and has not found any apparent structural problems.

Nancy Baker and Joseph Wood were asked by Chris Gianulias if they were licensed structural engineers or licensed contractors. They both replied they had no such credentials.

Chris Gianulias asked both Nancy Baker and Joseph Wood if he could be provided with a statement from a qualified person that this notice and order was valid for the replacement of the entire ceiling and roof. None was provided.

This order is vindictive in that one of the tenants has previously brought a cause of action against the City of Lodi and prevailed. In addition another tenant voiced complaints against City of Lodi inspector who was terminated.

This order is malicious, oppressive, intimidating , and threatening being subject to a violation of Title XI, 11.6, Section 422.6

- (a) "No person, whether or not acting under color of law, shall by force or threat, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution of laws of the United States because of the other person's race color, religion, ancestry, national origin, disability, gender, or sexual orientation. Or because he or she perceives that the other person has one or more of those characteristics."

The Arab Muslim grocery store owner along with Chris and Pauline Gianulias and the remaining tenants are perceived as being "non American" too ethnic, not wanted in the City of Lodi's population mix which compared to Sacramento and Stockton would be and is considered more "racially and ethnically pure" by its own citizens and surrounding cities.. Segregated by specific plan and design cloaked under the "Community Development Department". A reasonable person would conclude that the true purpose of this order is to force the tenants and the owners to leave Lodi to further segregate Lodi.

This malicious, arbitrary, capricious and unlawful order and notice by the City Of Lodi's Community Development Department is ordering us to remove the entire roofs which include the 8" X 8" support beams of three buildings which are 10,500 square feet at a possible cost of four million dollars. It would cost up to ten million dollars to indemnify the tenants for their forced closure of up to two years.

No valid facts have been provided by Nancy Baker or Joseph Wood to destroy this building. Nancy Baker and James Wood have no valid knowledge or expertise in this field. The true intent of this order which a reasonable person would consider outrageous and reckless conduct, is to inflict severe emotional distress upon Chris and Pauline Gianulias for being ethnic and having ethnic tenants.

The City of Lodi by its malicious, capricious and arbitrary order is inflicting irreparable and permanent injury to this property to such an extent which is subjecting this property to total destruction without making any compensation. Case law would hold that this is a "taken" without compensation. This unlawful "taken" would cost Chris and Pauline Gianulias over twenty million dollars.

We request all copies of all notices of City of Lodi violations as to residential and commercial code violations, mailed or served by all of the departments having authority to do so for the preceding ten years. Also all copies of all appeals against the City of Lodi for the preceding ten years.

For our appeal on this notice and order we would please request an extension of time of six months in order to thoroughly investigate the documents we have requested and also for additional documents from City of Lodi, interrogatories, and depositions.

Chris Gianulias

A handwritten signature in black ink, appearing to be 'Chris Gianulias', written in a cursive style.

ITY COUNCIL

HILLIP A. PENNINO, Mayor
USAN HITCHCOCK,
Mayor Pro Tempore
MILY HOWARD
EITH LAND
LAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

April 18, 2002

MAILED CERTIFIED MAIL #7000 1670 0008 4483 1029
AND REGULAR U.S. POSTAL DELIVERY

Chris and Pauline Gianulias
3220 Province Towne Court
Modesto, CA 95355

**RE: PUBLIC HEARING SET FOR JUNE 5, 2002 TO CONSIDER AN APPEAL FROM
CHRIS AND PAULINE GIANULIAS REGARDING NOTICE AND ORDER TO
REPAIR ISSUED FOR THE PROPERTY LOCATED AT 100 N. CHEROKEE
LANE, LODI**

This letter is to notify you that a Public Hearing will be held by the City Council on **Wednesday, June 5, 2002**, at 7:00 p.m., or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

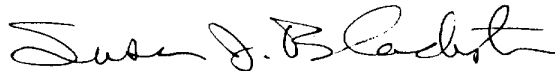
This hearing is being held to consider your appeal regarding the Notice and Order to Repair issued for your property located at 100 N. Cherokee Lane, Lodi.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

Should you have any questions, please contact Community Improvement Manager Joseph Wood in the Community Development Department at (209) 333-6823.

Sincerely,



Susan J. Blackston
City Clerk

SJB/JLT

Enclosures

cc: Community Development Director



DECLARATION OF POSTING

Set Public Hearing for June 5, 2002

Consider appeal from Chris & Pauline Gianulias regarding Notice & Order to Repair issued for the property located at 100 N. Cherokee Lane, Lodi

On Thursday, April 18, 2002 in the City of Lodi, San Joaquin County, California, a copy of Notice of Public Hearing of the City Council of the City of Lodi to consider appeal from Chris & Pauline Gianulias regarding Notice & Order to Repair issued for the property located at 100 N. Cherokee Lane (attached hereto, marked Exhibit "A") was posted at the following four locations:

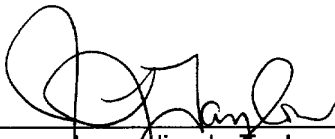
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 18, 2002 at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**



Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 5, 2002

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 5, 2002** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) an appeal from Chris and Pauline Gianulias regarding Notice and Order to Repair issued for the property located at 100 N. Cherokee Lane, Lodi, California.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: April 17, 2002

Approved as to form:

Randall A. Hays
City Attorney



DECLARATION OF MAILING

Set Public Hearing for June 5, 2002

**Consider appeal from Chris & Pauline Gianulias regarding Notice & Order to Repair
issued for the property located at 100 N. Cherokee Lane, Lodi**

On April 18, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

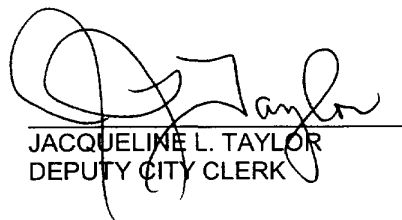
I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 18, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

MAILING LIST

Set Public Hearing for June 5, 2002 to consider appeal from Chris and Pauline Gianulias regarding Notice and Order to Repair for the property located at 100 N. Cherokee Lane, Lodi

Owners of Record:

Chris and Pauline Gianulias
3220 Province Towne Court
Modesto, CA 95355

Property Tenants:

Franco's Pizza
100 N. Cherokee Lane
Suite #1
Lodi, CA 95240

Valley Telephone
100 N. Cherokee Lane
Suite #2
Lodi, CA 95240

APNA Mart
100 N. Cherokee Lane
Suite #3
Lodi, CA 95240

Havatan
100 N. Cherokee Lane
Suite #6
Lodi, CA 95240

Note: Suites 4 & 5 are either vacant or combined and therefore have not been designated as a part of this mailing list at the direction of the Community Improvement Manager.